

The Great and Weighty
CONSIDERATIONS,
Relating to the Duke of YORK,

Successor to the Crown,
Offered to the KING, and the House of Parliament,
CONSIDERED.

An Answer
to a LIBEL, published in the City of London,
by the Author of the CONSIDERATIONS.

A Short History of the Duke of York.

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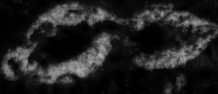
CONSTITUTIONAL

OF THE UNITED STATES

OF 1787

ARTICLE I

SECTION 1



THE
Great and Weighty CONSIDERATIONS, &c.
CONSIDERED.

Whatever is the subject matter upon which we exercise our Thoughts, or whereupon we make our Enquiries, doth not make the Considerations of Slight and Vain men GREAT and WEIGHTY. A man of slender Endowments doth not Commence to be Wise, as soon as matters of great Moment take up his Thoughts. But if he be of such a make, as renders him capable of being in any degree Wise, he is affected with an Ingenious Shame, finding the matters too hard for his Capacity, and above his reach; he is displeased and dissatisfied with his own dark, indistinct, and confused Conceptions, in which he himself can receive no Satisfaction: he Suspends and Determines nothing but that he doth not understand the matter, and resorts with deference to those who are Wiser than himself.

But there is a sort of Arrogant Fools who trouble the World, make it Difficult to understand plain Truth, confound the Notions of things, blend things of remote distances in their nature together, or put one thing for another that have no affinity to each other, puzzle and perplex the minds of the Weak: who deserve the Indignation of the better sort of Judgments, who cannot but be empassioned while they see a great part of mankind abused to their hurt, by the Villanous practises of some, designed to the sufferance of the greatest mischiefs, and by a sort of silly Knaves, presumptuously using their little Wit to ensnare the Consciences, to perplex the Minds of the Multitude by Objections; puzzling to the weak by such Reasoning, as none but Fools could think of, and none but bold Knaves would offer to the World: for so I take to be every immodest man, who will adventure not from his Understanding, and therefore from his Will, and consequently his Interest, to speak things that have no consequence, and are not induc'd by the Laws of Reasoning and Discourse. That have a tendency to dispose men to scruple of Conscience, and make them doubtful and unactive against the evils of the greatest size that are designed against them, and to neglect or resist the Counsels of God against themselves, and fatally fall under the designed evils, notwithstanding they are provided of a just and allowable Remedy against them.

There are, and ever was, and ever will be, to the trouble of Mankind, a sort of literate Fools (who will always obtain some reputation with the stupid admiring Vulgar) made by Nature to little Understanding, and who have lost that little for want of using it; who by Books good or bad, it matters not much, become greater Fools than they could have been, if left to Simple Nature; who by imperfect remembrances, and undue joyning, of things more imperfectly understood, make most perverse Judgments in all things they are conversant about. And if it happen that by their Complexion, they prove forward

and are opinionated of their false Learning, they obtrude upon the World their unnatural, monstrous and incoherent Conceptions: And if they chance to mix their Discourses with passages of the Holy Scriptures, and thereby entitle Religion to their Absurdities, they more powerfully amuse, distract, and abuse the Consciences of the Common People, and perplex them with Scruples and Prejudices, and that sometimes against the only means of their Preservation. And this calls upon, and urgeth the Charity of such to whom God hath given a better understanding to appear and come forth for the undeceiving and rectifying the Judgments of the most deceivable part of mankind, and with just Ignominy and Scorn to beat down the assumings and presumptions of such Pretenders and Smatterers in Letters: especially in such a Weighty Matter as this, when the poor People (if mistaken) must be mistaken to their Ruine, and perish by the Deceit, if deceived, which I think is scarce possible for very many to be by this frivolous Pretender and Offerer of Considerations: which none but he that deserves our Pity could think of; but for that he dares to offer them publickly to the World, and under the Stile of [*Great and Weighty Considerations.*] he most justly deserves our Indignation, a private Scorn and a publick Censure, for that purpose we will now produce him.

HE begins his Considerations with a Consideration and Recommendation of himself, and would fain prove his Honesty, for he was with reason conscious that this undertaking would render him more than probably suspected: He proves, as well as any thing he undertakes, and as well as it can be proved, That he is an honest man. This he would have the World believe, because there is such a thing as sincerity in the World, and for that there have been some men that have owned an afflictive Righteous Cause against self interest, and the displeasure of a prevailing Faction: But we know the Cause that he Patronises, is the most unrighteous Cause that ever any man of Front espoused, but that should not trouble us. But that which afflicts us, and is the heart aking of all good men: That this Scribler with too much reason we know, presumes that the Brave men (whom he reviles for adhering to the only means of the saving of three Kingdoms) with the Gros of the Nation, are designed to be subdued by a party of men whose strength the King in his profound Knowledge and Wisdom best knows how to Calculate: but certainly this Addresser imagines very great, whatever he pretends, and that he is well backed by force. Otherwise he could not adventure publickly to despise the Interest of a House of Commons. If this Considerer, and his Fellow Conspirators had not some secret reserves of Strength, he would not advise the King as he doth, to Adhere to, and Govern with the House of Lords and his Privy Counsel, and to lop off the House of Commons from the Government as an unprofitable Branch.

In the next Paragraph he tells us. The Chiefest Principle and Maxim of the true reformed Religion in this Kingdom is fully Epitomized in this excellent Precept, *Give to every one his Due.* If there can be more Nonsense spoken in so many words, it is this Patriot must do it, and you shall find him often performing what I have undertaken for him. And sure after such Demonstrations of his Honesty, and Proof of his Understanding, you must take him for a *True Patriot*) and a fit Addresser of GREAT and WEIGHTY Considerations.

In the next Paragraph he undertakes to commend and allow, chide and disapprove our leading Men, I believe he means of the House of Commons, but we want his Name, its fit he should discover himself before we can admit him to sit Judge of the actions of the most excellent Persons of the late House of Commons; I perswade my self he would Blush, (however Immodest he appears in his Address) if he were drawn out and expos'd to publick view under such a Character, we might spare him the Pillory, Rotten Eggs and Turnepp Tops, which is due to Infamous Libellers agst Governours, for he is a man of such fashion (I believe) that he would suffer too much of Shame and Confusion of Face, and hide himself forever after from the face of men, if he were but known well enough to be pointed at.

In the fourth Paragraph, he allows it is a Glorious thing to establish the True Protestant Religion, but he would not have it established upon Quick-sands, neither would we, because it is impossible it should be so established; we would not have it depend upon loose accidents, expos'd to Chance and Contingencies, and expect it should be supported by rare events, and morally impossible not to be left at Six and Sevens, a chance that is not upon the Dy, and hope that things should out of their Course and Nature unite and combine together for its support: That which is Glorious is so, because it is Excellent in it self, and difficult to be atchieved; and whatever is difficult, is to be obtained by unusual methods and extraordinary means; to deny or condemn the use of them when lawful, is to deny us the end, and is so far in truth from allowing it to be Glorious, that he doth not allow it at all: That it is made difficult to support the Protestant Religion, we owe to the Popish Conspiracy, and the design of this man is to make it impossible; to that purpose he requires you to lay aside Humane Policy, which is the same as true Prudence (which is the onely Guide God hath given us and the onely Oracle he hath left us to Consult in our affairs, and is never repugnant (as he would have it) but always conformable to the Laws of God and Nature) lest we should be furnished with a Remedy against the designed mischiefs to us and our Religion. To this commendable sort of Policy, the design of the Bill will be made agreeable in the following Discourse. That we may admit the absurd Doctrines of the Church of Rome, we are requir'd to abandon our Reason, and that we may more easily again fall unto her, we must (if we will be ruled by this Considerer) renounce our Prudence, and those that will not, must endure his slanderous Reproaches, with which he goes on to revile the promoters of the Bill of Exclusion, whom he calls Hypocrites, Factious Spirits of the Fanatical Leven, that they make a Cloak of Religion to palliate Black Designs, Fiery Zealors, acting like the Rump Parliament, Guilty of Antichristian attempts; repugnant to the Ordinance of God, and to the Fundamental Laws of the Kingdom, a few turbulent Zealots, assuming to themselves a Sovereign and despotical Power of Deposing the D U K E of Y O R K; and says, That they impudently affirm, That this hath been the Ancient Custom of Parliaments to Depose Princes and dispose of Kingdoms, whereas the Crown hath been always Hereditary, and never depended upon the Suffrages of the Subject. Since this Bad man presumes to say so many bad Words falsely of the Excellent Members of the late House of Commons, reproaches their Zeal for the Publick Safety, most Heroically exerted in the time of the greatest Need; and most Threatning Dangers, calls their appearance for the support of the

Protestant Religion established by Law, Hypocrisy: And the Prosecuting the Discovery of the Hellish Plot; and the best means of preventing the Plot from taking effect, Black Designs; Since, I say, his Immodesty hath given him so much License, I wonder he had no more Scurrilities, especially since he is so impertinent, as to call the Bill of Exclusion, an Antichristian Attempt, Repugnant to the Ordinance of God, (though God never yet made any Law or Ordinance in that Case,) and the Fundamental Laws of the Kingdom; though no Laws of Men are so Fundamental but they are alterable: The Constitution of Government is indeed unalterable by Law, but no Laws but are alterable by the Government, for the Government was before Laws, and made and constituted most chiefly for the business of Legislation. That the House of Commons assumes a Sovereign Power he knows to be false, and knows too, that all the World knows he is therein a Falsary? what can be expected of Candor or Sincerity from a man of such Effrontery. And to the making the Slander Compleat; he joyns Despotical to Sovereign Power, as if they were the same, an Instance of his egregious Ignorance, except he flatters the King; and would signify to him that he hath Despotical Power, because he hath a Sovereign Power, and this commends him indeed for a True Patriot. A Despotical Power is such as Masters use over their Servants, that command what they Will, because they Will. Sovereign Power is exercised for the good of those that are governed, and the Commands that come from the Sovereign Power are Laws that are deduc'd from Publick Reason, as they are the Publick Measures, and are always Reasonable, or pretend to be so. No Body ever affirmed before this Addresser to the King, That it hath been the Ancient Custom of Parliaments to dispose of the Crown, or that it depended upon the Suffrages of the Subjects, which he falsely and maliciously adventures to say, to misrepresent the most Venerable late House of Commons, whose Proceedings will justify Themselves in true Story to all succeeding Generations, and will, we all hope, be Seconded and Out-done by the Next; if the good People can keep themselves from being deceived by such Artificial men as this Addresser is. But this is said, and Truly, That a Parliament, which is King, Lords, and Commons, have Declared, and particularly, a Parliament in the Reign of that most Excellent Princess Queen Elizabeth, of Eternal Memory, (the Wisest and Greatest of the Princes that are Glorious for the Reforming the Christian Religion) did Declare a Power in themselves, for Great and Weighty Reasons of State, to alter the Succession, otherwise than of Course it is by Law appointed, and most reasonable it is, for no Government can want a Power to preserve it self, and obtain its Great End, viz the preservation of the Community and the Polity it self, and no less Reasons than these, require and urge the Use and Exercise of this Power in an Act of Parliament for excluding the *Heir* from succeeding to the Imperial Crown of *England*. In Order to these ends the Power of a Parliament is unrestrain'd and unlimited, which this Consideration-Monger calls Scoffingly (Impiously and Prophanely towards God, and irreverently towards the Government) Omnipotency.

In the next Paragraph, he produceth his first Reason against the Excluding Bill. And by an execrable Argument, he adventures to prove That the descent of the Crown is Sacred, viz. That an Attainder in Treason cannot alter the next Heir from succeeding in the Government, but if the Heir had dyed of that Attainder, the Argument had been spoiled. For cannot that Power that can inflict Capital Sentences,

ces, and that ought to do it against all in subjection that incur them, Banish instead of Kill? sure he is no true Friend to his Royal Highness, whatever he pretends; we will sooner admit him a True Patriot, for that he makes the Condition of his Presumptive Heir so hard, That he must either *Die* or *Reign*; a very Judicious Advocate, and deserves very well of his Client, who will remember him, sure when he comes into his Kingdom, for bringing him into such Danger; I believe this Considering Patriot shifted himself in this Consideration into *France*, where they have Princes of the Blood, against whom no Criminal Process can be formed; nor no Attainder of Blood is admitted, To the purpose that the most enormous Crimes may not seem faults in those that participate of the Blood of that haughty Tyranny. But the better to disguise himself, he Criminates the Parliament, calls the House of Commons in Derision, Cunning Politicians that would have a new Model of Government, he chargeth them with assuming a power to Depose the King, and will Conclude, because he will (and hopes the People will take his Word for it) for no other reason in the World; that we may as well Depose the King, as foreclose a Presumptive Heir, who is a Presumptive Traytor, which he will call Deposing him, for this Russian-like man will not submit to the common use of Words, and is at defiance with Common Sense of Mankind, and will say it, That it is as Lawful to Depose the Possessor of the Crown, as to make an Act of Parliament for preserving the Life of the Present King, by disabling the next Successor that brings it in danger; and likens the late House of Commons, upon the score of their Bill of Exclusion, to the Rump. Oh! for a Discoverer that would bring this man to Light and Shame; and thereby to Reason and Sobriety.

Upon this weak and slight colour of a Reason, see in the next Paragraph, how he lays about him, with what vehemency and expostulation; and yet in his magisterial Rant, the trifler could no sooner name an extravagant Bill, but he thinks of a Box of Gilded Pills; which if he had been an Apothecary, as some say he is, by Mr. *Hobbs* his Doctrine of the train of Thoughts, they could not escape coming together. And yet this Thinking Addresser is not altogether so happy in dividing and opposing as in compounding. For he affirms that to go about to establish the Protestant Religion by a Bill to exclude the Popish Successor, is inconsistent with the Government; and is to destroy the very Root and Life of Government. But pray Sir, for the sake of Reason, tell us? Doth the Government it self, depend upon the person that Governs? or is the Government it self changed by the alteration of the Succession? may not Governments, for kind the same, have different modes of Succession? and are not the kinds of Succession more than the kinds and forms of Government? Can the Government be safe without a Power to exclude a Person inhabil in Nature to support it, or of one Principled to destroy it. Can we imagine a Government which is of Humane Contrivance, to be without a Power to preserve it self, and an Authority, in Cases that Threaten its Ruine, to interpose with apt Remedies for its Preservation. That a Government made by men should be left meerly to Chance and the contingency of Birth, whatever happens of inability in the Persons that come under the general Rule and Limitation of Succession? Doth the Exercise of this power turn the Kingdom from being Hereditary to Elective, is there no difference between the inconvenience of Judging of the several Degrees of fitness in several

ral persons competently qualified; and the proceeding upon evident notoriety to exclude one that designs the subverting of it, and the Destruction of those that are to be Governed and Protected, and hath incur'd a severer Doom. I will hope there are very few in this Nation so ill instructed, That doth not think it in the Power of the People to depose a Prince who really undertakes to alienate his Kingdom, or to give it up into the hands of another Sovereign Power; Or, that really acts the Destruction or the Universal Calamity of his People. The Learned and Judicious Mr. *Falkner*, than whom there is no Person of this Age with the Church of *England* in greater esteem: Who truly merits the high esteem of all men for his excellent Candour and Learning, In his Book called *Christian Loyalty*, cannot deny the right to be so upon those cases really happening, but is not willing to suppose such Cases can ever happen in Fact. He tells us, If any such strange Case as is proposed, should really happen in the World, it would have its great difficulties. *Grotius* (he tells us) thinks that in this utmost extremity, the use of such defence as a last refuge *ultimo necessario presidio* is not to be Condemned, provided the care of the Common Good be preserved. And if this be true, saith he, It must be upon this Ground, that such attempts of ruining do *ipso facto*, exclude a disclaiming the Governing these Persons as Subjects, and consequently of being their Prince and King: and then notwithstanding his Proposition (saith he) would remain True, *viz. That it is not lawful upon any pretence whatsoever, to take Arms against the King*. All that Mr. *Falkner* offers in this matter, out of his commendable Care and Zeal to Peace and Government is, to argue the Cases in Fact impossible, and that such suppositions may be the undue imputations of Faction's Persons against their Sovereign: He thinks that Princes may have a Consideration of the Account they must give in the other World of their Government here: That they have a regard to their Honour and Esteem, and a Respect to their safety. To the quiet and serenity of their own Minds, and will avoid the *Dire Ultrices* and the Tortures of Mind that attend Cruelty, and the Actors of great mischief, and by such Considerations as these be contain'd in their Duty. But do these Arguments of his that should reasonably and ordinarily do, secure us against the Oppressions of Potentates, give us in this juncture any Security, are these Considerations Dissuaves or Incitements to the D. to Act our Fears and give reality to the Suppositions? To any under the Principles and Counsels that guide him, already enterd upon the Design, these Considerations will urge him to proceed, and make our Calamity certain; These Arguments of his applyed to us in the present state of things is like a *Protestatio contra factum*; and like the Sophistical Arguments of the Stoicks, who would undertake to prove a thing acknowledged and existent and present to be impossible. How Wild then and Transported must this Patriot seem, who will undertake to argue the Bill guilty of the Highest Iniquity and Injustice, Arraign the Greatest and Best part of the Nation, adjure them to answer it at his Tribunal, Challenge us (for so his Expostulations and Enquiries of us doth import) with Intentions to overreach Providence, and that we despair of the Justness of our Cause or the Goodness of God. And he tells us, That God doth not want our Wickedness to fulfil his Holy Will: We answer, how far the Providence of God will assist us in this undertaking we know not; it is not new in the World for the most Righteous Causes to be unprosperous, we are only to do our Duty, and leave the Issue and Event thereof to his All Wise Providence. But we know, and

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are most assured of the Justness of the undertaking, and we have a good hope in the goodness of God, that he will succeed it, for that herein we are doing nothing that is evil, but fulfilling his Holy and Good Will; I mean, not that we are certain to obtain what we desire and pursue: But it is the Will of God concerning us, (who hath left us in the hands of our own Council, and hath not told us, That he will save us by a Miracle:) that we should be Loyal to our Sovereign, zealously love that excellent Religion and that excellent Government that his Gracious Providence hath established amongst us by Law: And also that we desire and endeavour by Law to disable a profest Enemy both to our Religion and Government, from getting into the Throne; that he be not by that advantage of Power, enabled to effect his purpose. But we are resolved that we will not call that Design Evil, though it do not succeed; or think that we are not doing the Holy Will of God, though we should be unprosperous therein and without success. If there was an Oracle to Consult, we would not know what the Success should be, least our Virtue should lose its Glory. No brave man, but would despise all Auguries, when he is to Contend for his Countrey, and things more precious to him than his Life. *Serilis est Egea dubis.* This False Patriot takes Sanctuary in his Revolt from Publick Interest, and he thinks he is Swimming to Shore with his Plank before a Wreck, and will fly the Danger before it approaches: but we will do our Duty, weather the Storm secure of the event, for the goodness of the Cause makes us hopeful, and we will Triumph in our Integrity though disappointed. Of any other Will of God, save what is his Will for us to do, as Citizens, Souldiers or Martyrs, we are not solicitous to know.

The Noble *Roman*, when advised by his Friend *Labiene* to Consult the Oracle of *Jupiter Ammon*, as to the event of the War in which he was then engaged. Thus answered him,

*Quid Quari Labiene Jubes an liber in armis
Occubuisse velim potius quam Regna videre?
An noceat vis ulla bono? fortunaque perdat
Opposita virtute minus? Laudandaque velle
Sit satis? Et nunquam successu crescit Honestum?
Scimus & hac nobis non altius inseri Ammon.*

I do but right to my Countrymen, to bear my publick Testimony, that their generous and Godly Resolutions are agreeable to this Noble *Roman*. But that done, I will calmly tell him, That we are in a Legal method allowed by the Government, contending for its preservation by the Bill of Exclusion, and that most certainly he can have no right against a Law (for such it will be, when that Bill hath the Royal Assent) to any thing that he shall forfeit thereby: and whether such a Law is not most righteous, let God, Angels and Men Judge. And here it will not be amiss to admonish this Patriot, That no man hath a Right to any thing from God and Nature (to use his Words which he useth, but doth not understand of what Import and Value they are in this place) for the Rights of Property are of positive, and Civil Appointment and Institution. No man can have, or is entitled to any thing, but what, and as the Laws allots it to him. They design what is Right, what Wrong, and what is Injury and Theft, and the Law of God both in the Reason and Nature of man as well as by exprefs Revelation forbids it. *Nec natura potest justum secernere ab iniquo.*

Men make Governments, and God Commands us to obey them, yea, God Commands us in our Nature, to form our selves into Governments. For that Mankind cannot tollerably subsist without them. What is greatly convenient and promotes the Happiness of men, therefore seems to be Commanded; and thereby a positive Law of God in Nature is declared. What is or would be greatly mischievous to mankind, if generally permitted, is therefore understood by us prohibited. The Mischief declares the thing forbidden, and is the indication of a Negative Precept or prohibitory Law. The pleasure and satisfaction of mind that men take in being beneficent and agreeable to, and deserving well of their own kind; The remorse, shame, fear and regret that men necessarily suffer from the sense of their own actions, when they are offensive, unequal and unreasonable, are the Sanctions of the Laws of Nature, and are truly the Rewards and Punishments of God in Nature, so that Anarchy, which is the most intollerable state of Mankind, a state of War and Violence, unreasonable Passion and unbounded Appetite, seems to be the most forbidden thing by God in Nature. But Government, because it makes men equal and reasonable, just and peaceable, kind and beneficent, or finds them so, encourageth them to be so, and protects them in being so; seems to be the most principal Institution and Appointment of God in Nature, for that it is recommended to us by all that which conduces to our happiness. And thus, and for this reason are Kings and Governors said to have their Authority from God, and therefore Government is called *θεῖα διακυβέρνησις*, Rom. 13. 2 Gods Ordinance. But the forms of Governments, the Persons of the Governors, the Order of Succession, their respective Powers and Ministries are of Mans appointment, And agreeable herunto, Government is called *ἀνθρωπίνη πολιτεία*, or a Humane Creature. 1 Pet. 2. 13. 24. to which the Apostle enjoyns us to be Obedient for the Lords sake, and in Conscience of our Duty to God.

Agreeable hereto is that Noble Tradition amongst the Jews of the seven Precepts given by God to the Sons of *Noah*, that is to all Mankind, for from him we all secondarily derive, in which the great Title of the Law of Nature are declared, and to which all the Nations of the World were obliged: one of which is *De Judiciis*. The Words of the Precept, which is the Seventh, are no more, signifying that the Law of Nature or the Will of God in Nature, doth command us to live in Politys and under Governments. This Law was given or declared to all Mankind, when they were in a State of Nature, before Governments were constituted, and by that Law of Nature, obliged to form themselves into Societies, to enter into mutual Obligations to stand to, and abide the common measures of Law, and to assist and submit to the Sentences and Decrees of common Judicatures. These were the first Oaths of Allegiance that were taken in the World, but when a single persons was entrusted with the executive power of Laws, they swore this Allegiance to him. For in all regular Governments (as it is in this of ours) the King commands nothing but according to the Prescript and Formula's of Law: And the whole business of Government, as between those that are to be Governed, is making Laws, and executing them in a due Administration of Justice.

As Corollaries to what is said, I shall add, first That Mercenary Guards, are very unnatural to Governments, as they seem upon the foregoing Reasons, to be instituted and appointed by God in Nature, which receive confirmation from the Tradition and Doctrine of the Jews (the best instructed Nation in the World in the Mind of God) for that the whole body and power of the Government or Polity are bound to see the Law and Results of their common Judicatures.

tures obey'd, and are amply sufficient for that purpose. So that the head of the Polity, by the *posse populi*, being most powerfully instructed to execute the Laws, Mercenary Guards seem intended and designed, by those that employ them, to execute matters illegal and extrajudicial; or at best they make a very hard case upon the People, that they must support a great charge, and pay a great price for jealousies and fears.

Secondly, That by the natural Obligation of the Ancient Oath of Allegiance, every member of the Polity is bound to resist and subdue all extrajudicial Forces, riotous and routous Assemblies.

But the nature of Government and its true original hath been prejudic'd by an unhappy mistake that hath long since invaded the World; men, that understand nothing but words, and Grammar Divines, that without contemplating God's Attributes, or the nature of man, or the reasonableness of moral Precepts, have undertaken to declare the sense of Scriptures; and infer that the Sovereign Power is not of Humane Institution, but of Divine Appointment, because they find it there Written, That *by him Kings Reign*, imagining that when the Scripture saith, God commands, or doth this, that God commanded it by express Words, or doth it by an immediate position of the thing done. Whereas in Nature his commands are nothing but the Natural light God hath bestowed upon mankind: likewise Gods doing a thing is only the course of natural and second causes, to which, because God gives the Direction or Motion, he both doth and is said to do all that is done. Besides all the precepts that God gives us, that are agreeable to the Law of Nature, must be understood, as Nature and Reason doth direct. *Videtur Lex Dei idem dictans quod natura, ita accipi quomodo ipsa natura accipiendum monstrat, nisi addatur aliquid Expressius.* Grotius Comment. fol. 121. The Laws of God, that confirm the Laws of men, innovate nothing but a new Obligation to observe them, but Only as Commanded and Intended by those that made them. And consequently all Humane Constitutions and Governments must be subservient and obsequious to their own intentions. *Omnes res conditæ famulantur vitæ humanæ.* Every form of Government is of our Creation and not Gods, and must comply with the safety of the people in all that it can, without its own dissolution: And was never intended unalterable, or at least inflexible, but was intended and made under reservations, reasonable exceptions of unforeseen accidents, and rare contingencies in Humane affairs. And the Law of God, that comes in Confirmation and Establishment of Humane Institutions and Laws, binds only according to their natures and intendments. How unreasonable therefore are the Tragical exaggerations of the Considerer, making it the most heinous Wickedness, and the most crying Injustice to alter that which in its own nature is alterable, and by an act of the Government to exclude the D. from the Succession, as a person unfit and unsafe to be entrusted with the Government (though in the general Order thereof, he was thereto designed) besides that he hath forfeited that kind of right that he had by that general appointment. Is this, saith he, the way of establishing the Protestant Religion? he saith, This is exactly to follow the footsteps of that Monster of Ingratitude, the Wicked *Jeroboam*, who after God of his Infinite Goodness had raised him from nothing, and established him Monarch of the Ten Tribes of *Israel*, yet was he so mistrustful of God's power in preserving his Kingdom for the Future, that he thought nothing could secure it, but his own accursed Policy. Our Considerer seems to have a high value for Rule and Domination, otherwise he would not have called the Advancement of *Jeroboam* to Rule by Usurpation, an effect of the Infinite Goodness of God. But

these Words were put in, to make that story of *Jeroboam* parallel to our case: and he intends thereby to Remember us of the little power that the Reformed Religion sometimes had, perhaps in the time of *Queen Mary*, and to charge upon the Protestant Religion, and reproach it with a Revolt and unjustifiable Schismatical departure from the *Church of Rome* in the time of *Queen Elizabeth*, and the acquiring and possessing it self of the Government: And now, Behold the Man! now you know him and his Religion, and how fit he is to offer Considerations for the D. against the Bill. But shortly, to destroy his parallel, he may know, That the Reformation did only assert and reassume the Rights of the Crown, usurpt by the Bishop of *Rome*; we did reform the Religion of our Church to primitive Christianity, from which the *Church of Rome* had seduc'd us, but therein we used no other power than what belongs to every Church, to reform it self, we were never of Right and Duty subject to the *Church of Rome*, she never Rightfully had any Authority over us: and therefore we could not schismatically revolt from her, nor are parallel at all in this, to *Jeroboam*, Though this man will compare us to him, and thereby slyly charge us with monstrous Ingratitude to God, and accursed policies: Because we will not again give up our Civil Rights to the Tyranny of *Rome*, nor lose again the true Christian Religion, in the Superstitions and corrupt Doctrines of that Church, and because we will not forbear to use that power which is lawful to every Government. Except this be his meaning, and he himself a Papist, he might with as much pertinency have told any other story of *Jeroboam*, or of any other of the Kings of *Israel* and *Judah* in the Books of the *Kings* or *Chronicles*, or of *Belshazzar* or *Nebuchadonosor*, *Zenacherib*, *Ahasuerus* or *Holofernes* or *Antiochus*, or any other King or Name in story Sacred or Prophane. Of all these he could not have found out any thing more unlike to have compared with us: To have remarked himself for a man of Great Considerations. For *Jeroboam* corrupted the true Worship of God to support an Usurped Crown. But the Design of the Bill against which he Declaims, is to support a Lawful Government and the best Religion, by a Legal Act of that Government. So that we will Invert that Woe which he pronounceth against us out of the Prophet; *Woe unto him that buildeth his House by Unrighteousness, and his Chambers by Wrong*; Into a Woe against himself, *Woe unto him that pursueth Evil for Good, and Darkness for light, and casteth a stumbling Block before his Neighbour*. But in what follows of this Writer of Considerations, I doubt me whether he doth not act the part of a scorning Atheist, for that he would persuade the World from all care and regard of Religion, by telling us, It is able to shift for it self, it being the Work of Gods own Hand. His Atheistical scorn and low valuation of the true Christian Religion is further very notorious and remarkable, for that he makes the Establishment thereof amongst us to be such a like work of the Almighty Hand of God, that established *Jeroboam* in the Kingdom of *Israel*. O thou *Insensatus Galata*, to return thy own exclamation which thou usest against thy own honest and discerning Countrymen, upon thy stupid self: for who, I pray you, but a senseless man, would compare a providential permission of the revolt of the Ten Tribes for the sins of *David*, and the sins and Oppressions of *Solomon*: to which the people were prepared by the Exactions, Oppressions and riotous Reign of *Solomon* and his Successour *Rehoboam*, to the Work of the Reformation, which was the delivery and restoring to it self the Gospel of Christ, and his true Religion (which was spoiled and depraved by the *Church of Rome*) for the benefit I doubt not

of all the Ages of Mankind to the end of the World; against which the Gates of Hell shall not prevail; and which we in despite of the *Roman* Successor shall see yet flourish in this Land. But we must not expect, though God did first Plant his Church by Miracles in Nature, and demonstrations of the Spirit of Power, by the wonderful Gifts of the Holy Ghost, and by the Spirit of Glory resting upon the Primitive Martyrs of the Holy Faith, and did restore the purity of the Christian Faith by a Miraculous Providence and the Spirit of Martyrdom; which we are now peacefully and Legally possessed of; I say, we have no reason to expect Wonders for our preservation when it seems to be in our own hands: Nor ought we to subject the professors of the True Religion again to Slaughters, Fire and Faggot, Tortures, Inquisitions and Massacres. Let us not think that our Government, as it lies in History, and our Laws in Books and Parliament Rolls (which will easily suffer an *Index expurgatorius* and make no complaint,) can defend us and it against the Instruments and Engins designed for its subversion in the Plot, and the powers that have been long addressing to that purpose, and are now at leisure to execute what we know is designed against us, better than we can make out and discover: This Expression, I know, would scarce pass for sense in any other Age or Matter, but we live in an Age of Mystery and Prodigy, producing things monstrous and unnatural, and our Language must be agreeable to the things we speak of.

The True Patriot proceeds and affirms, That it is an unwarrantable Attempt, and a point without example or president, to Depose a Prince for not complying with his people in Religion: I appeal to all that shall read him, whether he appears to be a man of Reading, enough to warrant him to pronounce a general Negative in this matter? But by this time there is nothing so extravagant but you will allow agreeable to the man, I believe immodesty is the unhappy Vice and Fate of his Nature, for no man ever arrived to the like Degree in it before him, you must not ask what he means by a point without example or president, or why he puts us a point that is not in our Case? and still will be talking of deposing a Prince, for this man oweth no account of his matters. But thou False Considerer; So Loyal I am, That I would not have that point in the Case for half I am worth.

But pray why thus impertinent? why dost thou send us to *Asa* and *Maachab*, *Jeroboam*, *Rehoboam*, *Jehu* and *Joram*, *Asa* and his Mother, and *Azaria*, we know little of the *Jews* their Constitution (save that God kept some remains of his Theocracy over them, which he administered by his Prophets, whom he Commissioned to Exautorate and anoint Kings) their Histories are short; but besides, every Nation is to be governed by their own Laws, and there are as many kinds almost of Governments as there are Governments, we are not warranted by their Presidents, nor to be Justified or Condemned by them; but we must Stand or Fall to our own Laws. But let this Patriot know that our case will never be *Cromwells*, (as he reproacheth us,) and we will not, neither can we stand in need of any Apology that would serve either for the *Ramp* or him.

Neither will we O Man of small Consideration make use in our defence of the Papists excluding the King of *Navarre*, a Protestant King in *France*: No more than we will allow the *French* to murder a Protestant Minister, because we execute a Seditious Traiterous *Roman* Priest: No more than we can allow in others, or justify in our selves to persecute dissenting Protestants, whose Principles are peaceable and obedient to Governours: Because we duly sharpen our Laws and exact the Severity of them against the Papists, the sworn enemy to all Religions but

their own, and to all mankind upon the score thereof. How grossly therefore is that of the Apostle misapplied, *Whosoever thou art O man that judgest another?* for doth a publick Executioner incur the Judgement of shedding mans Blood, for executing a sentence against a Murderer. Thou man of Observation mayst possibly know what kind of Beasts we muzzle and tie up.

He observes for our Imitation, That the Orthodox did not Depose the *Arrian* Emperours, we ought undoubtedly to imitate them therein; for that no man, much less a Prince, ought to lose any right for a speculative Error, or meer misbelief: But only for Wicked Practices and Opinions that promote, excite and encourage them. But it is also very observable, which the Considerer, by his mention of *Julian* the Emperour in this place, gives me occasion to offer: That the Behaviour of the Church towards the Pagan *Roman* Emperours, was much different from that which they bare to *Julian*, who succeeded to Christian Emperours, was Educated a Christian, and sometimes bore a place in the Church; for whereas the Apostles had enjoined the Christians to pray for the Pagan Emperours, though actual persecuters of the Church; yet the whole Church did Curse and Anathematize *Julian* with an Anathema *quo Deus rogatur ut aliquem e medio tollat. In Julianum cum defectiōni adderet machinationes evertendi Christianismi usa est Ecclesia isto extrema necessitatis telo & à Deo est exaudita.* Grotius in Luc. Cap. 6. Verſ. 12. I will not trouble the Reader with more Quotations to this purpose, the Authority of this Great man is more than ten Witnesſes. And for what he lays down generally, that the Orthodox did not Depose the *Arrian* Emperours: I muſt remember him out of *Socrates* the Ecclesiastical Historian, *Lib. 2. Cap. 38.* Gr. when the Souldiers of *Constantius* the *Arrian* Emperour were by his Command sent to enforce them to become *Arrians*, they took Arms in defence of their Profession of Religion, how justifiable therein I will not now Discourse. But this may be said, That the Christian Religion with indifferency to all Sects was made the Religion of the Empire by Imperial Rescripts, and all Christians had thereby a Civil Right to a free and undisturbed Profession of their Religion in their ſeveral Perſwaſions: For *Constantine* the Great carried ſo indifferent an hand between the Contending Parties, that he endeavoured to make Peace rather by ſilencing the Diſputes, than by Determining the Controverſie; Worthy of the imitation of the Guides of Chriſtendom, and the only means of freeing the Reformed Religion from being depraved by the Jargon and Gibberish of the Sectaries.

If the Crown ſhould devolve upon the *Roman* Succeſſor, it would require Conſideration, whether we could juſtifie the Dethroning of him, though the *French* *Papiſt* could not be juſtified in rejecting the King of *Navarre*.

But this untrue Patriot ſhifts his Cauſe from what it is, to what it is not, That he may have ſome Colour to inveigh againſt the True Patriots, far more excellent and righteous than himſelf; and have ſome umbrage to betray the beſt Religion and the beſt Government, while he pretends with falſe Hypocriſie to ſupport them. But I am glad to find in thee at leaſt one grain of Senſe and Honesty, he ſaith well (to do him right) That is the beſt Religion that gives every one his Due. But he muſt conſider farther, to the Conſuſion of the Cauſe he Advocates, That to give every one his Due, is, To adminiſter Defence to the Innocent, and by Authority of Law to ſubdue the aggreſſors of Mankind, how great and mighty ſoever they be; for they that are mighty Offenders, ought in proportion to be mightily puniſhed: *Fiat Juſtitia* therefore, as he ſaith, *Ruat Cælum*, for to puniſh, much leſs, to lay a reſtraint upon evil perſons, is not to do evil that good may come of it, which he would impute to the proceedings in Parliament againſt the Duke, for which

which he must be self-condemned, for I cannot take him for a German Anabaptist. And now we find this Considerer complaining of some Pamphleteers, that Write ridiculously sophistical and unreasonable Reasons, That tell stories (he saith) of *Edgar Athelin*, *William the Conquerour*, *Arthur Plantagenet* and *King John*, that write Antichristian and Fanatical Logick, never heard of, until the Spirit of *Belial* reveal'd it to *Oliver* and the *Rump*. I believe, if there be any such Pamphlet, this Pamphleteer is the Author of it, or some of his Complices; to the purpose that there might seem some one worse than his own, and that he might be able to quarrel with, and confute, and do advantage to his bad cause by some worse reasonings than he would seem to be Master of, or than his cause is capable of, which is not capable of a good one. But what he sayes cannot possibly be true of any Pamphlet; but rather than he will not be slandering, he will slander himself, and bely the Devil; for observe, he saith, They use Fanatical Logick, and Antichristian Logick; The true Fanaticks being impatient of the restraints of Reason, and to be confin'd to sober sense, call Logick and Reasoning by that which they would seem most to hate, Antichristian. The True Antichristians and Papists being impatient of the light reproof and Discovery of Reason, call sound Reason Fanaticism. But our Writer is so vengeanceably angry with reasoning, that with the same breath he calls Logick for the sake of Reason, Antichristian and Fanatical too: And renders himself suspected of being an Antichristian Fanatick; and yet any one may see, that it is not the thing it self that he is thus angry with, but the name of Logick that he thus exposeth; for what it is he knows not, he seems to think it comes by Inspiration, and that there are two sorts of Logick, one good, but he is not acquainted (for all that appears to us) with the Spirit from whence that is derived; and another bad, which he sayes, is inspired by the Spirit of *Belial*; whereas most certainly there is no such Devil amongst all the Orders of the Apostate Angels: sons of *Belial* I have heard of indeed, that did Evil without profit, without Design, for evils sake, but these are such men as need no Tempter, for they will be Wicked without a Tempter, according to the fatal propensions of their vicious Natures, and are not to be managed by the Devil himself; and to this sort of men doth our Pamphleteer seem somewhat to approach, for that he is an unaccountable Transgressor; no reason can be given of him, why he should with so much seeming earnestness concern himself to perswade the people to abandon to an utter neglect those things that of all others are of most value to them, their Religion, Government, Lives and Liberties and Estates: To perswade a whole Nation to lay violent hands upon themselves, to cut their own Throats, to burn themselves alive and their Houses, and to destroy themselves, their Wives and Children, bodies and souls too for conscience sake. That there can be a subject not subject to Laws; and that Offences that cannot be rated, because their Mischiefs are infinite, for that very reason must not be punished; and he would have us reckon it a sin of the most heinous Nature to punish the Offender with a diminution only in his power to do those evils which are most notoriously by him designed, and will be effected by means of his own making and causing; if he himself should relent, and refuse to execute them. If in this age of Licence, immodesty could entitle any man to be a son of *Belial*, our Writer of Considerations might fairly pretend to it, who is immodest for impudence sake, which spends it self in waste, and cannot effect any thing but the exposing it self. In saying this, I should think myself very severe; but that he hath published his own shame; and if I would, it is not in my power to cover it: But he hath not shewed the worst of himself yet, he attempts further upon the Understanding of the people, he will have us believe that we owe Allegiance to the Presumptive Heir, that we have as

many Kings as Princes of the Blood, and that a Son hath a Right to his Father's Estate before he is Dead; for the probable Successor can have no more Right to the effect of the Oath of Allegiance, than the Eldest Son to receive the Profits of his Father's Estate without his leave in his Father's Life time. If this Gentleman's Father had had any Land, he would have understood the difference between his Right to the Land after his Father's Death, and his Hopes and Possibility only to have it during his Father's Life. The word Heir is joyned with Successor in the Oath of Allegiance, to signifie, That it means Heirs in the proper sense, which is such that succeed to the Inheritance; and not such that are in expectancy or possibility of having the Inheritance, who are improperly and equivocally so called: And though the thing is so plain, that every man as well as the Lawyers agree what is said; yet my Lord Cooke, for saying the same, is called by this Gentleman, Silly and Ridiculous, Fallacious and Impertinent. The Lawyers tell me, that it is a Rule in the Law, *Non est haeres viventis*; that is, No man can have an Heir while he lives; and they likewise say of all the *Regula juris*, There is not one of greater extent and rule than this, that it hath Governed Ten Thousand Cases near upon in the Common Law, and they withal assure me, that notwithstanding this Man (amongst other Civil Terms) calls the Lord Cooke Fallacious; they firmly believe, if a Fee had been offered to him of the value of his Estate, which is about 200000 *l.* he would not have Signed an Opinion with a *videtur* to the contrary, but he is resolved that all mankind shall be mistaken, and he will call their reasonings in this matter what he pleaseth, New Machiavellian Logick, a word that dishonestly he took up, on purpose to expose the Bill to the Vulgar, imagining in his Profound Consideration, that some of the Multitude will, upon the hearing of *Machiavellian*, fall thereupon into an unwitting dislike of the Bill: Nay, he will conclude an Heir Apparent to be an Heir, because he could not be Heir Apparent, unless he were an Heir, when the Word Apparent and the Word Presumptive more especially joyned to Heir, is a Term of Abatement or Negative, and distinguisheth him from being a real Heir, and speaks him no Heir, but only one in a near possibility of being so? But sayes he, It is a manifest Contradiction for one to be Heir apparent, and not to be Heir; as it is to be a Learned Man and no Man: *Prius est esse quam esse tale*. I wish we had his Name, that we may mark the most absurd reasonings by it, for the everlasting honour of this Pretender to Reasoning and Discourse. We all know that the Word Heir is a Name to design a person under such a Relation and respect, and imports nothing of entity, and we may use our own abstract Terms properly or improperly, and without any correspondent reality to an equivocal sense: But he adds Profaneness to his Levity, and as if the Holy Scriptures were writ to so trifling a Design, as to be an Oracular Dictionary and Infallible Nomenclature, he tells us how the Word Heir is used in Scripture, when the Holy Writers formed their Language by the vulgar idioms amongst the people of the Jews, and never intended to write Law Cases, much less to declare the Common Law of *England*, or imagined that their Style should be produced to expound our Oaths of Allegiance and Supremacy.

But now, thou Vain Considerer, wilt thou hence conclude, that the Duke of *Tork* is Heir and Successor? That we now owe him Faith and Allegiance, that he is already in the Throne, and that this Bill though it pretends only to foreclose Him, doth truly Depose Him?

It is insufferable, that this man should impure to the House of Commons, and the best people of *England*, Diabolical Fiction, the worst of all Jesuitical Equivocations, and of endeavouring to make a colour to their perfidious and perjurious

dealings: for these Reasons only, Because we will not believe, or take our selves to have sworn Allegiance to the Duke of York, when we swore it to the King: Because we will not allow that a Parliament of England, which is the King, Lords and Commons, have no more to do with our Government, than the Pope of Rome; Or that the Pope hath as much power to Depose one of the Kings, as the Parliament hath to punish a most Obnoxious Subject: This he dares Address to the King, and publish to the World.

He proceeds to presume and tell us, That this at least must be granted, that whosoever is by Blood next Heir to the Crown, we are by our Oath obliged before God to bear him Faith and true Allegiance; Nay, to Defend him against all Attempts, until he is disinherited by Act of Parliament: and therefore says he, Whatsoever we do against him, before this Act be fully established, is a violation of our Oath, and therefore the very attempt of Voting and Passing this Bill, makes the Actors and Abettors, Perjurers before God and the World.

Sure it will be allowed, that this Gentleman is mistaken, sure he doth not intend to speak Treason, but hath a way of speaking which he will use by himself, and will make Words stand for what he hath a mind to, which Will and Pleasure of his, this peremptory absolute man thinks himself not bound to explain, though to save his Neck, if he should be Indicted therefore of Treason, which I desire he may, and Arraigned too, for the better clearing the matter if it be possible, how we are now bound to bear Faith and true Allegiance to the Duke: But he will sooner be Hanged, than make out how a thing may be done Lawfully, which is not Lawful to go about: That the Duke of York may be lawfully Disinherited, but the Voting and Passing of the Bill must be Perjury? May not he that is bound by an Oath to pay money, desire a release from the Debt without Perjury? Cannot all Civil Debts, Duties and Contracts, though confirmed by Oath, be discharged by the Interested person, to whom the Duty is to be performed, and for whose Benefit the Contract is made? May not Kings, by renouncing their Governments, make the Oath of Allegiance cease to all effects of Obligation? And cannot an Act of Parliament that shall disable a Successor, equally prevent it from passing any Obligation upon us?

But shortly, to explain of what Import, and for what reason, the Words Heirs and Successors are put into the Oath of Allegiance: and it is this, That in case of the Demise of the King, and the Devolving and vesting of the Crown upon the Heir and Successor, the Oath that we took to the Predecessor, by virtue of those Words layes hold upon our Consciences, and obligeth us to him from the first minute of his Reign, but not before; and so we are not one minute free from the Bonds of our Allegiance. This being the scope of the Law that requires it, and of the Oath itself; it must likewise be by that interpreted, for *finis dicendi est ratio disforum*, and an Oath doth not oblige as this or that man would interpret, neither according to the vulgar or technical use of the Word, but in such a sense as is adequate, and agreeable to the Intent and End of the proposing and requiring it: But by what is said before, it appears that we are not yet under the Obligation of that Oath to the Duke, and that it is in the Pleasure and Power of the Parliament, whether we ever shall be; our Comfort is (whatever he thinks) that there is a great difference between Hopes and Enjoyment: and further, it appears that the Heir Apparent is but equivocally, and in a less proper sense so, and yet this Considerer (who if he be not a perfect Atheist, and serves a turn in this Paper, must be a Papist in his Heart) according to the Modesty of the Gentleman, chargeth us with Jesuitical Equivocations in the Oath of Allegiance, while in the mean time he is equivocating the King out of his Throne, shifting the Duke in-

to his place, by an equivocal Abuse of the word: the courtest slight that ever was used by any *Hocus Pocus*, or any Pretender to *Legerdemain*.

And yet upon the Confidence of these weak and mistaken Reasonings, he presumes to arraign the House of Commons of the greatest Injustice and Iniquity, and would have us apprehend Slavery the Arbitrary and Despotical Power of Parliaments. The loss of all Security either of Property or Liberty by a prevailing Faction of Parliament, which he will be able to effect at the same time when he can persuade us to dissolve the Polity, and exchange the best and safest Government into an Anarchy. To be without Judges for fear of unrighteous Sentences; and without a Power of Legislation, for fear of Laws of Iniquity. But it is not a new thing for obnoxious Criminals and Out-laws to turn Rebels against Government.

What this man is, and what the Cause is he espouses, is declared sufficiently, in that he hath no better ways of Advocation and Defence than by Opposing and Reviling the Government it self; and he that dares revile the Government, would, if he had Power, Destroy it.

In that he calls the major part of the House of Commons, a Prevailing Faction, I Challenge him Guilty of the Highest Treason, of a Treason not only against this Government, but of a transcendent Treason, of a Treason virtually against all mankind, for that we cannot subsist without Politicks, and no Politicks can subsist but by deference to the results of the Governing Power, which is Interpretatively in the resolves of the major part.

But he proceeds to question, whether, by the Constitutions of this Government, the Parliament can extend their power to shut out the Duke from succeeding to the Crown; for admitting (he means) That it is Just, which we will not accept of as a voluntary concession of this Considerer (for that it doth appear not only Just, but highly necessary, to exclude the Duke by Bill) he will then draw it into question, Whether there be any competent power in the Government for doing a thing not only just, but absolutely necessary for the preservation of the King and Kingdom? Whether there be any Subject too great for Justice, or any private Right that is not governable, and may not be ordered as to the Legislature shall seem necessary to the preservation of the whole? Whether that which is properly the Right of the Community (for so is the Succession) may receive no alteration in a single instance, for the Weightiest Reasons? and whether he that declares that he will not Govern, but Destroy; and doth virtually renounce the Government, may not be left out of the Succession? This is the true state of the Question, and the Question thus stated, gives its own solution; And who, except those of the Conspiracy, do not so state it, and allow it?

As to his Question, Whence the Parliament derives their Power: Let him know, That the Parliament derive their Power and Authority from the same Original the King derives His: The King hath not His Power from them, nor they theirs from the King: They both Derive their Authority from the Consent of the People in the first Constitution of the Government, either tacit or express, or by their express or tacit Consent, in the insensible and little or great, or more remarkable alterations that the Government hath suffered in the course of Time. The King can make the Parliaments Power no greater than it is, nor they His. Though true it is, he may put an unlimited Trust reposed in Him, into Stated Laws, and Govern by Counsels established into Laws, which is not to alter or lessen His Power, but to make it more Safe and Wise, and impeccable in the exercise of it. He may ascertain the indefiniteness of His Power, that it may not be abus'd.

abus'd. And that King doth best provide for a Happy and Wise Administration of his Government, who leaves the fewest things to fortuitous resolves, who reduceth his Prerogative to the measures of Common Right, and makes the Kingdom Secure and Safe, by leaving the Succession less Capacity and Scope to do mischief.

It is mostly incumbent upon his Sacred Majesty to secure the Government committed to his Care, and keep it upright and steady upon its own Basis, and to preserve all things in a due and Legal Course: To watch to prevent all machinations against it, and such as would destroy and subvert it, and by his executive power of the Laws obtain to us the ends of Government, that we may live quiet and peaceable Lives in all Godliness and Honesty; for the sake of this High Trust and the Dignity of this Office his Person is most Sacred and Inviolable.

The King and his great Council in providing for the establishment and security of the Government in their proceedings are not tyed up to forms of Judicial proceedings: but are to act upon such inducements and in such methods, whereby the Wisest men govern their affairs in which they are at perfect Liberty, and not under the restraint of Laws. They cannot do unjustly, whatever methods or means they use, that are prudentially and morally necessary to this End.

This power can be no more wanting in Governments than we can be without Government: That which establisheth the one (which is the Law God declared in the Make and Frame of Humane Nature) affirms and allows the other.

By the Authority of this Law of God so declared and promulgated, as I have told you, *do Kings Reign, and Senators or Princes Decree Justice*. By virtue of this Law, and in Obedience to it is this Bill fram'd (against which this Considerer declaims like a speaking Brute.) From this Law of God, the said Bill when it passeth into a Law, will have its Approbation, Sanction and Establishment.

But against this Bill, with his accustomed Truth, Candor and Modesty, he doth Object, That if such an Authority shall belong to the Parliament, as to disable one Successor upon such inducements as are sufficiently known; a Parliament sometime or other may be corrupted by a King, and by mercenariness, comply with him to sell the Succession of the Crown to a Foreigner; we all well enough know, that this Bill is designed to keep out the Tyranny of *France*, or at least, the *French* Tyranny; But for this I leave the King to reckon with him and the Pensioners of the late long Parliament.

The Gentleman continues to add the story of *Ahab*, contriving to possess himself of *Naboth's Vineyard*, by causing him to be falsely accused of Blaspheming God and the King; by which, if true, by the Jewish Laws King *Ahab* had been justly entitled to it as a Royal Escheat: But if he had not been as stupid as a Block, he had not mentioned this story, which is a president and an adjudg'd case against himself; who, but a Line before, had so vilely Blasphemed so great a King, a far greater King than *Ahab*, though the Parliament divide some Authority with the King in the Government: But what were the Constitutions of the *Jewish* Monarchy, this Writer of Considerations, I am sure, knows no more than his Foot-boy. But let him know, that the *Romish* Religion is a Blaspheming God; and to bring the Kings Life in Danger is worse than to Blaspheme him; see what wise Work this Considerer makes; when, forsooth, he would argue, That the Duke of *Tork* cannot be shut out of the Succession, no more than *Ahab* could take *Naboth's Vineyard* from him.

The man of Weighty Considerations, tells us in the next Paragraph, That God was incensed against *Esa* for selling his Birthright, and therefore the Duke must

not lose his, contrary to his Will, and all Justice, by a prevailing Faction of his Inferiours.

Who ever told him, That God was Incensed against *Esau* for selling his Birth-right? Did not God purpose the Birthright to *Jacob*, before the Brothers were Born, and before they had done Good or Evil, could God be angry with him for agreeing and executing his own Purpose and Decree? Did not *Isaac* and *Rebekah* both know and understand the Oracle, and in Obedience to it, *Jacob* was effectively Blessed by his Father *Isaac's* confirming the Blessing first gotten by surprize, and by the Solemnity of that Blessing, his Father *Isaac* transferred the right of the Promise made to *Abraham*, to be fulfilled in the Line of *Jacob*; indeed the place he quotes in *Heb. 12. 17.* is this, *Let no Whoremonger or Profane Person be amongst you, like Esau; that would prefer a Sensual pleasure before the great things that were promised by our Lord to them that obey him.* Wherein the mention of *Esaus* Story, is only to illustrate and set off what they parted with, and for what they fell short of the Grace of God, and the designs of his Holy Institution: Indeed, if he could prove to us, that his Royal Highness had any such thing transmitted to him in his Generation, as the *Jews* call the *Segulah* (by which they mean some peculiarity which did appropriate the Right of the Promises made to *Abraham*), which *Jacob* had, and *Esau* wanted, they say; If he had any Divine mark upon him (besides the Contingency of his Birth) that design'd him and markt him for a King, there would be some Consequence in his Discourse, and this would be the best Argument that he hath yet used: But where God doth not interpose by an express Revelation, Humane Affairs, Concerns and Interests of all sorts must be Governed and Ruled by the Laws, Orders and Decrees of the respective Governments. I would not have been so long in animadverting upon this last passage, but that I think our Considerer may be some Divine by his abounding so much in Scriptural Allegations: And I thought it convenient to give you the Size of the rest of the men of that Order, that are against the Bill, That they may be of little regard with my Countrey-men in this matter, as they deserve none; it being a matter that is not in their way: though in matters that belong properly to their Function, they may deserve much who are of the meanest of that Order.

Our Gentleman next proceeds to his political Arguments; But those can be answered, I perswade my self, by every man who hath heard of the Plot. Though a man of his Size may frame puzzling Arguments that may perplex mens Minds with scruples and doubts; which a Fool may do, and a Wise man cannot remove; yet it is scarce Possible for him to deprive men of their Senses, and make them insensible to all the Evils that they hear, see and feel and justly fear. If the Protestants are not (as he saith) very strong abroad, we have reason to be more united at home, and united by the awful Authority of a Law; If we are Threatned with a great power of the *Roman* Religion from abroad, (which he affrights us with) we have no reason to retain the biggest power to hurt us within our own Bowels: But if it be in the power of such bad men as his Pretender to divide by slights and wiles the good people of *England*, and keep them from uniting in the only means of their safety, we must perish: But Woe be to them by whom we are thus destroyed.

This last effort upon the minds of the People is to intimidate them, that by their fears they may fall under the evils they design upon us; he scatters his menaces, as if he were in the place of God, against us, and as if he had the executing of the Plot in his Power, and tells us of Sins that fit us for Ruine. It is convenient to these Plotters to imagine us mighty Wicked, that they may believe we deserve

serve the Vengeance they design. Our Government it self, our Laws, our Religion must become Wicked when they arrive to a probable power to hurt us: They never contrive a Gun-Powder Plot, a Massacre, or burning a City, but they Dream the Iniquity of the People is grown Ripe; They would turn us into *Sodom* and *Gomorrah* (which this Considerer frights us with) if they could call for Fire from Heaven, and then publish us to all the world (if we were much better than we are) to be as Wicked as the Cities of the Plain. If we cannot obtain this Bill, I shall then begin to think, That the Decree is gone forth, and our Fate is approaching, and that God will let these Villains have their Will over us: By Gods displeasure, not theirs, I shall take the true Measures of our Sins; His displeasure will be remarkable and evident, if he seems to deny us the means of our Safety and Preservation, and which is the only means of the Kings Salvation from their Traiterous Design; If this Bill do not pass, they will take him for a Wicked King too, and they will say, He hath no Lawful Issue to Succeed him for his own Sins, (though our Considerer saith at present, that our Sins are the Cause of it,) and many other remarks of Wickedness they will make upon him, when they find it convenient and for their interest to destroy him, at best he will be then but Tenant at Will to them of his Life, as well as his Crown, which this Considerer most slanderously chargeth to be designed by us; but if he will follow the Counsel of that Excellent Bill, he may live long, and see good days and Peace upon our *Israel*, to which let all Good People say, A M E N.

I shall only remark two or three things in the close of the Paper of *Weighty Considerations*. First, that he undertakes to say and affirm, That the King is as much Subject to the power of Parliament as the Duke, which doth dethrone the King himself, and lessens him to the Degree of a Subject; Secondly, That in this his Address, he perswades the King to rend the Government, to lay aside the Commons of *England*, and abandon them as Rebels, to divide from them, and Govern by a House of Lords and Privy Council; and Thirdly, That the most Venerable and Loyal Parliament that ever was Conven'd in this Nation, though not so clearly purged from the Corrupt Villains of the late long Parliament, as the next we hope will be, are charged by him to follow the Anarchical encroachments of the Factions in the Rump Parliament; by these three remarks it is Evident, what Principles and Designs these men are of, that oppose the Dukes Bill, and from thence you may find Reason to Assist it, and Promote it with the greatest unanimity and resolution, and the rather, for that the Duke himself cannot want Considerations to dispose him to approve of it.

For what should he do with a Crown that he cannot wear? why should he accept of a Trust that he cannot discharge, and a Government that his Principles oblige him to transfer to a Foreign Prince? he is too generous a Prince to enter upon a Province only to betray it.

He is a Prince of great Charity, it was that surely moved him publicly to confess the *Roman* Religion, that he might thereby recommend that Religion to our Belief, for the better reforming us from Heresie; Why then, should not the same Charity, move him to renounce the Government, lest he should offer an irresistible Temptation to the People to a Rebellion, a greater Sin accounted by a King, though a Catholick, (however the Priests rate it,) than an Error in Belief.

But how can we imagine, That he will condescend to be our King? he doth not intend to accept of our Oaths of Allegiance, and had rather not be King, than we should be his Subjects upon those Terms: why should we Trouble him with the Name of a King, Reproach him, call him Apostate, Heretick and Infidel, by swear-

ing our selves his Subjects in the Terms of the Oaths of Allegiance and Supremacy: Pray think no more of it, Write no more *Great and Weighty Considerations*, for he intends to be no more your King, than he doth to desert his Religion and the *Roman Catholick Faith*.

Besides, his Zeal and Services and the Difficulties that he hath undergone for that Church, and the hazards he hath incur'd deserve the best Place, and Highest Office in that Church, which is, that of a Priest; he ought not to be put off, and meanly rewarded with the Sherrifalties, which their Eminencies of the Conclave, despise, and be preferr'd to all the Drudgeries and Cruelties that the Priesthood of that Church require of the Kings of that Communion that become Zealors.

He is a Prince that can deliberate and consider, and will conclude, That it is better for him to betake himself to a Monastery now, before he hath filled the Land with Blood and Slaughter, and all the mischiefs that the Hellish Plot designs upon us, than to take Sanctuary in one hereafter, loaded with the melancholy considerations of a lost Design and intolerable Guilt, if he himself should chance to survive, and not be thrown himself in the Enterprize to the Crows and have the Burial of an Ass.

He is a great lover of his Brother, as he ought in gratitude to be, who lets him Live, and in his good Opinion too, after he had departed from his Allegiance, and become a member of another Hostile Polity and Regiment, and after, in consequence thereof the Kings Life is brought in conspicuous danger: Besides, that it was natural and necessary that attempts upon the life of the King should ensue upon his publick Declaration of himself to be a Papist. And we cannot, without thinking too meanly of him, think him without a foresight thereof: there remains therefore, no way for him to avoid the Guilt of his Brothers Murder, (we Tremble at the probability of it) than by renouncing the Crown: The King cannot in probability but dye before him, except he falls to the Interest of that Religion which his Highness doth Profess. So that the Duke will relinquish nothing by the Consenting to the Bill, but the Hopes to succeed upon his Brothers Murder; But he would not the one (so vertuous we will think him,) to obtain the other.

Admit him to be King, he must be a King without Subjects, for he must be a slave to one part of the People, to Destroy the other; these may not be, the other will not be his Subjects.

To be an open Enemy is more Princely than to submit to the sordid methods of Falshood and Treachery, than to betray us and deceive us in the Confidence we Justly should have in him, if he should succeed to the Crown by a Legal appointment: he hath already departed from the Government, which is Treason in a Common Person, but we will give it in him an honest name, and call him only an Enemy to our State and Religion, and his departure to be an overt Declaration of Hostility; let him therefore be consistent with himself, purchase the Government by Conquest, by the Assistance of the Arms of *France*, his Popish adherent, and home-bred Traytors. But let him not assume the Crown by Title and Succession, under Obligations to govern by Law, and to preserve us in our Religion, which is our Legal Right, and more precious to us, than any thing else the Law entitles us unto: Let him not add falshood to his mistaken and cruel Zeal, and do all the mischiefs the Plot designs, while he pretends to Govern. Let him openly assault us Miscreants, and subdue us Infidels, that already stand Cursed and Excommunicated,

nicated, whom he hath Warrant enough from his Religion to destroy with an utter Destruction.

He is an Excellent Son of King *Charles* the First, of Blessed Memory, who dyed a Martyr for the Government of Church and State, and lost his Life as well as his Government, when he could not preserve it any longer by his Sword: And do you think that *James* his Son, who carries the Royal Name of his Grandfather, though the first of *England*, yet the Sixth of that Name in *Scotland*, will suffer the Government to be altered, and to be a King and no King. It is more just for him to chuse an Exclusion from the Succession, than to suffer the Government to be changed; we must therefore suppose him to be willing rather to Consent to the Bill, and renounce the Succession, conformably to the recent example of his never to be forgotten Father, than to consent to, or be bound by any Act of Parliament that shall alter the Government: They are not his Friends, nor agreeable to him, That would spoyle the Government, more valuable in his esteem (as well as his Father's) than a personal Reign: That would make him a King in mockery; That Conspire against the Government it self, which he will not, he ought not to sustain and endure, as long as there is any Iron and Steel in the Hands, or Blood in the Veins of Loyal *Roman* Catholicks.

He is an equal Prince, and will not take it so much to Heart, that he sees the People of his Nativity not stupid Sots, but that they can be sensible of the Dangers that he urgeth them with, and provide themselves with Remedies against the Evils he Threatens.

But if these Reasons will not obtain his expresse Consent to that Law for his Exclusion, they will be allowed inducements sufficient enough to Pass it and Conclude his Assent; for the nature of a Law is, to be first reasonable, and to make those willing, that should be consenting to it as reasonable and fit, but are not, and to render them Obedient and Submitted: For this is one of the greatest benefirs of Government, That they that cannot or will not chuse what is best for themselves, the Laws will chuse for them, with regard to the Publick Good.

For the better clearing the matter of the Constitutions of this Realm, in relation to the Succession, I thought it necessary to add the Substance of an Act of Parliament, yet in Force, made 13^o. *Elizabethæ*.

An Act whereby certain Offences are made Treason.

FOrasmuch as it is of some doubted, whether the Laws and Statutes of this Realm, remaining at this present in force, are vallable and sufficient enough for the surety and preservation of the Queens most Royal Person, in whom consisteth all the Happiness and Comfort of the whole State and Subjects of the Realm: which thing all Faithful, Loving and Dutiful Subjects ought and will, with all careful study and zeal, consider, foresee, and provide for; By the neglecting and passing over whereof with winking Eyes, there might happen to grow the subversion and ruin of the quiet and most happy State and present Government of this Realm (which God defend.) Therefore, &c. to Declare, &c. during Her Majesties life, that the Right of the Crown was in any other Person, should be Treason. And such Person that should, during Her Majesties life, usurp the Crown or the Royal Stile, Title or Dignity of the Crown or Realm of England, &c. they and every of them so offending, shall be utterly disabled, during their natural lives only to have or enjoy the Crown or Realm of England, or the Stile, Title or Dignity thereof, at any time in Succession, Inheritance or otherwise, after the Decease of our said Sovereign Lady the Queen, as if such person were naturally dead, any Law, Custome, Pretence or matter whatsoever to the contrary notwithstanding. After which, these words follow.

And be it further Enacted, That if any Person shall in any wise, hold, and affirm or maintain, That the common Laws of this Realm, not altered by Parliament, ought not to direct the Right of the Crown of England; Or that our said Sovereign Lady, the Queens Majesty that now is, with and by the Authority of the Parliament of England is not able to make Laws and Statutes of sufficient force and valluity to limit and bind the Crown of this Realm and the Descent, Limitation, Inheritance and Government thereof; Or that this present Statute, or any part thereof or any other Statute to be made by the Authority of the Parliament of England, with the Royal Assent of our said Sovereign Lady the Queen, for limiting of the Crown, or any Statute, for Recognizing the Right of the said Crown and Realm, to be Justly and Lawfully in the most Royal Person of our said Sovereign Lady the Queen, is not, are not, or shall not, or ought not to be for ever, of good and sufficient force and validity to Bind, Limit, Refrain and Govern all Persons their Rights and Titles, that in any wise may or might claim any Interest or Possibility in or to the Crown of England, in Possession, Remainder, Inheritance, Succession, or otherwise howsoever, and all other Persons whatsoever, Every such person so holding, affirming or maintaining, during the life of the Queens Majesty, shall be judged a High Traytor, and suffer and forfeit, as in Cases of High Treason is accustomed, and every person so holding, affirming or maintaining after the Decease of our said Sovereign Lady, shall forfeit all his Goods and Chattels.

A N
A N S W E R
 T O A
P A M P H L E T
Lately Published,
 Intituled
A L E T T E R
 From a
Gentleman of Quality
 IN THE
C O U N T R Y,
 To his Friend, &c.

Relating to the Point of Succession to the Crown, &c.

BY several Accidents the former Sheets have stopt in the Press from a few days, after the great and weighty Considerations were published. And being now ready to come forth, we have a Gentleman of Quality, as he calls himself, *undertaking from Scripture, Law, History and Reason, to shew how improbable (if not impossible) it is to bar the next Heir in the Right Line from the Succession, in a Letter to his honoured Friend A. B.*

And now after so long a time of consideration, one would think the many men of great Parts and Learning that are dependents on the Duke, spirited with zeal and ambition, should have offered all that they have to say against the Bill for excluding his Royal Highness. And this being (as may be reasonably concluded) the last endeavours of the most learned and best parted men of that Interest; This Letter for that reason only, but not for any thing of moment that it offers, deserves to be considered.

We will not follow him from Paragraph to Paragraph, since the greatest part of it is vain and empty, pedantick, bombast and puffed affectation.

I shall only draw you up short Summaries of his several Reasons, and give them all the advantages they can challenge, and improve them by just and natural Inferences: And that I think will be enough of confutation, and a sufficient countercharm against his deceiving the People.

He first lays down for a Ground; That the Succession to the Crown of England is inseparably annexed to Proximity and nextness of blood, by the Laws of God and Nature; And all Statute Laws contrary to the Laws of God and Nature, are, *ipso facto*, null and void.

That it is contrary to the Laws of God, he proves by the Law of God given by *Moses* to the *Jews* in the 27th of *Numbers*, that directs how the succession of Lands should be amongst the *Jews*, and whatsoever Statute Laws are contrary to those Laws, are null and void, he saith.

The consequence of this Argument is this: That the Laws given by God to the *Jews* are Laws to all Mankind: That our Common Law and Statute Law is against the Law of God, and null and void, because not agreeable to the Laws of *Moses*. That the eldest Son is not to take by Descent the whole Inheritance, but a double portion only, and that the Crown must be disposed of in Descents accordingly. That not the first Son only, and one Daughter, but all the Daughters of a King, if never so many must succeed together to the Crown: That no Father can sell his Patrimony, for that was the Jewish Law, and established in that Chapter he quotes.

He proves it to be a Law of God further, for that God saith to *Cain* of *Abel*, *That his desires shall be subject, and thou shalt rule over him.*

The Consequence of this is, that because *Cain* could not kill *Abel*; (notwithstanding he was to have the Primacy) That *Abel* much more could not kill *Cain* his Elder Brother.

And further he proves that to be a Law of God, because God maketh choice of the first born to be Sanctified and Consecrated to himself.

And therefore it most certainly follows, with this Gentleman, that he which is not the first born must be so too. I with his Royal Highness, the second born, the Consecration of a Priest; (which the Text means, notwithstanding the Text doth not allow it him) so that he will not pretend to the Consecration of a King, which is clearly out of the meaning of the Text.

He says, Consonant hereunto are the *Suffrages* of the Doctors of the Civil and Imperial Law.

The Consequent of this is, First, that he is not bound to be coherent; for he was before proving the Law of God to be, That the Succession of the Crown is inseparably annexed to proximity of blood, and now he tells us of some Opinions of Fathers and Doctors that are consonant thereunto, when they do not at all relate in their Opinions to what he had produced out of *Moses* his Law. Secondly, It follows, that he is impertinently troublesome to his Reader, by telling him of the Opinions of great names in this matter, that the Eldest Son by ordinary right is to have his Fathers Estate in some Countries, or that the Crown doth so ordinarily descend where the Succession is hereditary; he should have spared them for another time, when he shall say something that all mankind doth not agree in. Thirdly, That he is a man of little reading, otherwise he would have been insufferable impertinent by 10000 quotations in this matter. Fourthly, That he is no Civilian; for that in this place he calls the Sovereignty a Fee, when all men agree that a Crown is of that sort of Inheritances, which they call Allodiums that are held *ex a^lla^o ex a^lo*. This would have made a swinging Argument for his *Jure Divino*, if he had thought of it, but we will give it them *gratis*. He tells us the Duke of York is in the same condition as the Eldest Son of the King reigning, though his Brother be King. That the Second Son of a King Regent, when the first is dead, living, his Father is within the 25 of E. 3. that makes it reason to compass the death of the King's Eldest Son, and that such Second Son is Prince of Wales, and Duke of Cornwall.

The Consequence whereof is, that he is very impertinent, or else the Duke of York is now Prince of Wales, and Duke of Cornwall, and that he is within the Statute of 25 Ed. 3.

This Argument of his he leaves to be further illustrated and pursued by the Churchmen and Civilians: But lest they should fail, this Epistoler (for I now am well assured, that this question and cause is to be managed by the Sword, by Massacres, and the French Plot, and not by Writing) I have adventured and will proceed to illustrate his Arguments, and pursue them into their Consequences, and leave the Epistoler of Quality to be pursued with laughter, for he deserves no worse if it be true that he professeth that he is a Protestant and Lover of the Government.

Now he will, he saith, as best sorting with his profession, and with a discourse of this nature, derive proofs from the Authority of the Common and Statute Law of England.

From whence it follows, That the Common Law and Statute Laws of England are proper to be consulted with, for declaring the Laws of God and the Laws of Nature, which

which they never yet pretended to do. And Secondly, it follows from thence, that this Epistoler no more understands the Common and Statute Laws of England, and what place they are to have in the Conduct of our manners, and guidance of our Consciences; than he doth (as appears by what he hath said before) what is the Law of God or Nature.

He lays it down as most evident; *That all the human Acts and Powers in the World cannot hinder the Descent of the Crown upon the next Heir of the Blood, because (though they may hinder the Possession and Enjoyment of it) This is a Dowry which the great King of Kings hath reserved to his own immediate Donation, and hath placed above the reach of a mortal Arm, and mankind can no more hinder or intercept it, than it can the Influences of the Stars or the Heavens upon the Sublunary World, or lay down the Moon.*

The Consequence of this is, that the man is Lunatick and of intane memory, and hath forgot, and denies what in the same breath he affirms: for, he agrees human Power may hinder the possession and enjoyment, and yet it is no more possible to hinder the Descent, than to stop the Influences of Heaven, and to pull down the Moon. Secondly, It follows that that which is done is impossible to be done. Thirdly, That there is no Right at all by Descent, nor can be any Descent of the Crown: for that it is reserved, as he says, to God's immediate Donation: And we never yet heard of any immediate Gift or Donation thereof from God. And if the Duke will stay until that be done, we most solemnly declare we will accept him for our King; and he shall be a King to all intents and purposes (as he terms it;) we will be kinder and juster to him than his Friends of the same persuasion with the Epistoler, who will give him the Name and Style, and would Abridge him, as they pretend, of the Power and Authority of a King.

He says further, That when the Duke is King, that the Legiance and Fidelity of the Subject is due to him by the immutable Law of Nature; from whence it clearly follows, that he must stay until that time comes: That when he is a Loyal and Foyal King, we are to be his Loyal and Foyal Liege-men and Subjects: For, Calvin's Case which he cites, by the general Opinions of all considerable Lawyers, is Apochryphal, where it makes Allegiance absolute and more extensive than the Legal Power of Kings: But here he subjoyns such loathsome Pedantry, that I cannot but remark it: He subjoyns to his mention of Calvin's Case, that Aristotle, Nature's Amanuensis (as he calls him) agrees with that Case, in that he saith, *Αρχὴς μὴ ὑπερὸν τῶν βασιλέων ἔστι βασιλευμένη*, and Seneca's *Natura commenta est Regibus*; but for my promise sake I will make no further Observations upon him, than by bare repeating of it to expose it.

That the King and his Successors are Kings by Nature, he proves; *For that the Statute Laws do frequently style the King our Natural Liege-Lord: And for further proof tells us, that in Indictments it is set forth, that the Treason is committed, contra debitum Fidel & Ligantia, quod naturaliter & de jure impendere debet: And the King in Indictments is sometimes styled Natural Lord.*

Whence it follows, that we are born under Allegiance, that no man that is born under any form of Government can deny Faith unto it, though he never expressly swore Allegiance: That the King of France is not our Natural Lord, neither doth the Oath of Allegiance bind us to that Form of Government, if introduced, because the King was born to no such Kingship: Nor is our King a Natural Lord to any Foreigners that come hither, and the Form of the Indictment against Foreigners, as the Lawyers know, must be in another Form. And further it follows, That in all Changes of Government, the word Natural is to be adjoined to Allegiance in all Indictments of Treason committed against the Government in its several changes that it may suffer: And this all the Lawyers with one voice pronounce.

He sums up all that he hath said before, thus: *No humane Power can hinder the Descent of the Crown upon the Right Heir. The Descent makes the King, Allegiance is due to the King by the Law of Nature. The Law of Nature cannot be abrogated by human Power: That Common Law is more worthy than Statute Law, and the Law of Nature more worthy than both.* But upon better consideration of the whole matter, it follows with better Consequence; That Nature hath made no Laws about Property, nor about Governments; otherwise all Laws of Right and Property, and all Governments would have been the same; for what she makes are Universal, as the Nature of man: Besides that, if he knew where she became a Legislatrix, or if this Gentleman could direct us to a view of her Pandects, we

ought to accord all our Laws to them. Secondly, That Common Law is not to be preferred before Statute Law; For the Judges who declare the Common Law are not wiser than Parliaments; and the Common Law appears to have a Rule, that it requires oftentimes amendment. Thirdly, It follows, that no Legislation is Lawful, for that which is to be preferred is best, and that which is best is to be a Law for ever. Fourthly, That no Allegiance is due to any Prince, but whom the Law appoints, and as the Law appoints: That he that is not King, to him no Allegiance is due. That a humane Power is competent enough to alter as well as make any humane Constitution. That which by humane Authority was made, and made also defendable (for all Crowns are not defendible) can be altered by the same Authority in its Descent.

The greatest part of his ensuing Discourse is the remembrance of the Tragedies that have been acted upon the English Nation by our Kings; For we have not only suffered under their bad Government; But they have usurp'd one upon another, and we have been infinitely miserable by being drawn into Wars, to dispute which of them should govern us after their own manner and fashion. If this Epistoler had had any regard to mankind, any bowels and commiseration for the vast Miseries & Calamities which we have suffered thereby, except he had depressed all mankind so far below this Jure Divinité Head, as if they were no more considerable than a swarm of Flies, and bought to perish by Thousands, to the Pleasure, Lust and Ambition of any that is big enough to pretend to a Crown, he had not here talked so gloriously of the Matter of Succession, he would have put the Crown in Cyprus, and vail'd its splendor with a mourning dress; he would not have talked of Pearls and Orizony, (in his foolish style) Jewels and Gems of Magnitude.

But, if they, by Cruelty and Treachery have murdered one another, and usurp'd upon the Legal Right of Succession, and did keep the people in a state of War for Centuries of years; shall not we exclude a Single Person from the Succession, to prevent more and greater Miseries to be executed perhaps in one year upon this poor Nation, than the former Usurpations did produce in Centuries of years.

But let him attempt the Crown, notwithstanding an Act of Parliament for his Exclusion; he is all that while but attempting to make us miserable; if he be not excluded, he doth it certainly; we exclude only his Person, not his Posterity: And we will not entail a War upon the Nation, though for the sake and Interest of the Glorious Family of the Stuarts.

The next Argument he produceth, That in Acts of Parliament the Right of Succession is called Natural Right, and consequently that it is unalterable. The Consequence of this Argument is, that a Right by Birth is a Natural Right, and that truly, for men are born by nature. Secondly, It follows, that no man hath a natural Right by Birth to the Inheritance of his Father, or that his Father cannot give it from him, or he himself foreclose himself by Treason and Felony. Or else it follows, that notwithstanding Finances of the Blood succeed by the Right of their Birth, which is a Natural Right, or a Right by Nature, they may be set aside, and excluded the Succession to the Crown upon as great reason as we have for this Bill of Exclusion.

His Law-Farrago of Statutes, that have been adjudged void, because unreasonable and impossible, concludes that a Statute Law is a matter that is not reasonable and impossible is a good, and blinding Law. And therefore he ought to have a profound veneration and deference to it (in which we use only his own words in this matter, which are the least foolish) when it passeth.

But if he cannot find the reasonableness of this Bill, in what we have offered, we may farther conclude, that nothing will convince him, but French Auxiliaries, and a Stack of Faggots in Smithfield. If this Act be impossible to be executed, we must conclude that it is in the power of his Party to execute our Laws, Religion and Government, and to Assassinate the nation. We with only on the behalf of our Religion and Government, that we had as great assurance that the Bill would pass into a Law, as the reasonableness is evident.

But this Epistoler (whose Province he saith is Law) nextly undertakes to say, That the Succession of the Crown to the next Heir of the Blood, is a Fundamental and Primary Constitution of this Realm, and indeed the Basis and Foundation of all our Laws. The Succession of the Crown to the next Heir of the Blood, is one of the highest, essential and undivided Rights of the Crown. That no Person or Community can give away or transfer a thing which they never had to give; of this Nature is the Right of Succession to the Crown, which is not the gift of a

is an, but the Immutable Duty (that word he is fond of) of God, Nature, and the Immutable Customs of the State.

Whence it follows, that God, Nature, and the Immutable Customs of State, met together once upon a time about this matter; or that the Immutable Customs of State did sometime consult God and Nature about this matter, and agreed their Sentiments. Or,

God, and Nature, and Immutable Customs of State are all one: That Customs of State are made without People. That Customs of State are as immutable as God and Nature. That God and Nature cannot alter that which is once a Custom. That God cannot be heard though he interposeth with all the Obligations that he liys upon us to Humanity and Justice from his own Philanthropy and Justice, to protect the whole Body of an Innocent Nation, from destroying Zeal and Walling Superstition: nor Nature herself be heard in her close injunctions of self-preservation: But Immutable Custom a more powerful Supream, must prevail against God and Nature, though at first they stick together in making this Primæ; Constitution the Basis and Foundation of all Laws: for nothing else was certainly in the mind of God and Nature so much, as to set up a Royal Family amongst us a part of mankind: And to shew a particular Kindness to the English People (for he hath not dealt so with every Nation:) That he doth not certainly think us worthy of any Laws, any Lives or Estates, if we do not accept of this singular favour: nor if we do accept, was worth us miserable people. But Laws it seems we can have none without it: for that's the true Basis and Foundation (saith he) of all Lawss. And this follows with good reason, for the succession of the Crown to the next of Blood, is one of the highest, most essential and undivided Rights of the Crown; for it is clear we must lose our present King, and he be divided from his Life and Crown, rather than the succession be divided from the next of Blood, and after that, what matters it what becomes of the People, of no regard certainly, of no regard at all, nor to be considered where the Rights or Pretences of Kings are concerned.

And further, because Kings cannot alienate the Crown which doth not lie in Dominion, but in Trust, not in Property, but in care: for *Officium est imperare, non regnum*: And because that People cannot be sold like Drovers of Cattle: Therefore it is with clear and irrefragable reason infer'd by this Letter-Writer, That the King must not live, that he cannot remove an irretrievable temptation against his own Life: And we must receive a King that hath devoted us a fat Sacrifice to his cruel Superstition, as his party hath our King, that they may more easily come at us.

Lastly, He saith, *That the Right Heir of the Crown cannot be bar'd or excluded by All of Parliament: because the Accession and Descent of the Crown in an instant absolutely purges and discharge all Objections and Incapacities whatsoever, created by the same All of Parliament.*

From whence it follows, That the Earl of Danby, if he were the next Heir, might succeed, though attainted of Treason of State by Parliament: whereas if the King cannot pardon him, as he cannot, he could not in that case of the Descent of the Crown pardon himself. The Heir of the Crown attainted upon the devolving of the Crown upon him is therefore purged from the Attainder, because he can pardon himself, and is intended to do so: But a Treason of State can never be pardoned by the King. Our young Lawyer knows well enough that an Incapacity by Act of Parliament to execute an Office growing upon a moral Disability of executing the Trust of that Office, is not in the King's Power to pardon. Secondly, From hence it follows, That that Attainder which leaves a capacity to obtain a pardon of the King, doth not at all differ from an Attainder that excludes all capacity from the King to pardon, and which in the Constitution of the Government he hath no Power to pardon: such are all Treasons of State, where the King is not the *Parti Læsæ*, and where it is not a private wrong, a single Crime, but the Attempt is upon the whole Government. Thirdly, Hence it clearly follows, That he that is no King, and upon whom the Crown can never descend, (as it will not if this Bill passen into an Act) he being without the Imperial Crown, without Right, and without possession of it, is yet a King. That there is no difference between an Act of Parliament which leaves the Successour to a possibility of being purged from the Attainder it makes: and that Act of Parliament which leaves no such possibility, but doth most absolutely and expressly exclude him.

His Positions must therefore be false, and his Arguments not concluding, from which such notorious falsehoods and absurdities are naturally infer'd.

Instead

Instead of further Argument, he tells us a matter of Fact, of an *Act of Parliament* made 28 H. 8. cap. 7. to render *Queen Elizabeth incapable of Succession*: And that for notwithstanding got into the Throne: And that *Sir Nicholas Bacon* (who had consulted the Judges) said the *Queen* thus there needed no Formal Regnal of the said *Act*, for then *Corona legit succedens omnino defectus tollit*.

The consequence of this is, That if the Duke can notwithstanding an *Act* for his Exclusion, get into the Throne, he will, and so let him. Secondly, That a King *de facto*, though a bad one, is not to be removed at the expence of a Civil War: That it is madness to part with a good one, when in possession, and cruelty to the People.

Detrahere Dominum urbi servire parat.

But afterwards in the 35 of *Henry the Eighth*, the Crown was limited by *Act of Parliament*, in case the King and Prince *Edward* should die without Heirs of either of their Bodies, to the Lady *Mary* and the Heirs of her Body, and for want of such Heir to the Lady *Elizabeth* and the Heirs of her Body.

We are no ways concern'd in the justification of our Bill to approve of the humorous Caprice of *Henry the Eighth*, and the arbitrary Laws that he made in his time about the Succession: They are balances of his haughty Government, that he imposed upon Parliaments, and that he took the Crown to be at his dispose, and transferable at his Pleasure, as his Money and Lands; a great Indignity to Mankind, and an Injury to the Nature of Government. But that the Succession of the Crown is the right of the whole Community, their Appointment, their Constitution, and Creatures in Parliament, and alterable as far as the Bill designs, and for such Reasons as presseth and urgeth in the case of the Duke: Whether this I say is not to satisfaction proved in these Sheets; And whether this Epistoler hath produced any shadow of Reason to prove the contrary, let the World judge: And whether he hath given us any thing for reason, but the insignificant bluster of words, canting language and pedantick Nonfence, which will never pass with any man for the least spark of sense for Argument.

Neither do we place the Right of Succession to Government in the same rank with private Inheritances; nor ever were they governed in any Country by the same Rules: Though this Epistoler hath produced the Laws of God by *Moses* to the *Jews* (which was only to govern private Inheritances amongst them) to prove the unalterable Succession of the Crown amongst us, which is so wild an impertinence, wherewith he begins his Letter, that he will be ashamed of it when he reviews it, and conceal his name for ever with care.

That there is one Rule for the Succession of the Crown, and another for the Succession of private Estates, is from these Reasons, that private inheritances are disposed of in Succession, according to the presumed will of the Decedens, which is collected from the general Opinion and Practice of the People in disposing of their Estates by Settlements; or by their Wills and Testaments, in case of Allodiums; or else the Succession goes according to the direction and limitation of the Lord made in the first collation of the Fee in case of Fees: But the Descent and Succession of the Crown is governed and directed by the presumed Will of the People: And that presumption of the Peoples Will is made by measuring and considering what is most expedient to the publick good, or by the express limitation of the People in their conferring the Royal Dignity. In Allodiums in defect of Heirs, the Inheritance belongs to the Sovereign Power, as a thing that is, *Nallus in bonis*, and hath no Owner. In Fees when the Family is extinct it Escheats to the Lord of the Fee.

In Crowns upon the extinction of the Royal Family, it belongs to the People to make a new King, under what Limitations they please, or to make none; for the Polity is not destroyed if there be no King appointed; and consequently in case of this cesser or discontinuance of the *Regnum*, there may be Treason committed against the People.

That the Succession of the Crown is directed according to the presumed Will of the People, and collected from what is most expedient, gives us the Reason why one Daughter or Female of the next Degree shall succeed to the Crown, and not all, if more than one; whereas a private Inheritance is equally divided amongst them all: For it is the Interest, and therefore the presumed Will of the People, that the Kingdom should continue undivided.

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undivided. The strength of the Kingdom is preserved in being continued united, and the Peace and Concord of the People thereby established.

That a Son by the Second *Poster* shall succeed to the Crown, which is not allowed in private Estates, is, because one so born is equally of the Family of his Father; And the expectation of the People as great from him, being descended from that Glorious Person, upon whom the Crown was conferred by the People. Or who after he had got into the Throne, obtained the Submissions of the People. The same Reason admits an Alien born, though he be estranged from us by his Birth.

Est in Juvencis, est in equis patrum virtus.

Though what I have said in this Matter, is so obvious, that no considering man can escape these thoughts, yet I cannot think it impertinent to add it here, to clear what I have laid down in the precedent Sheets, as an undoubted Truth, and evident in itself; That the Succession to the Crown is the Peoples Right. But there is nothing I perceive to be allowed clear and Evident, when we live in an Age, wherein Fools and most ignorant Persons will undertake by the Liberty of the Press, to Print and Publish to the World their crude Thoughts, and with great assurance offer their uncouth Opinions with astonishing presumption. Besides to the reasonableness of this Doctrine; It is agreeable to the Illustrious *Grotius, De Jure Belli & Pacis, Lib. 2. Cap. 7.*

And nothing follows from his collection of Law Cases, about the different Rules of Succession of the Crown from Private Fees, but that he is a very young Lawyer.

But I hope that all men that read him, will with resentment think themselves used with scorn, when they see what frivolous Fellows attempt upon them to deceive them; and will be fully convinc'd, that the Bill is reasonable, just and fit, since they have nothing better to object against it.

The last endeavour of the Epistoler is to remove the Authority of Parliament, and the Act made in the Thirteenth of Queen Elizabeth. The Words of which are printed at the Close of the Papers against the man of *Great and Mighty Consideration*. The Case is not unparallel'd to those that introduced that Law, and concern the making of that Declaration; but whatever was the particular Reason, the Declaration of that Parliament in that Act is general, and therefore an Authority not to be impeached, to prove, That there is such a Power to alter the Succession of the Crown, for great Ends, and weighty Reasons, and just Causes. Besides that such a Power is lodged in the Parliament, is clearly proved by us from the nature of Government, in the foregoing Sheets. At also that such a Power will not be abused by using it in this Bill of Exclusion, of which I hope no body upon the reading of them, will retain any longer any manner of doubt. But I cannot before I have done take notice of his little Artifice, in that he doth suggest that by the Act of Parliament of the Thirteenth of Queen Elizabeth Cap. 1. The Title of the Family of *Stuarts* is by that Act excluded, when it is evident by the words of the Act, That the Disability there Enacted is only Personal. And his Story of Monsieur the Duke of *Anjou* designing then to marry the Queen, is a false and malicious insinuation, to hurt the memory of that Excellent Princess. And consequently, that King *James* and his Race had, and have notwithstanding the Validity of that Act, a good Title to the Crown: And that the Validity of that Act may be maintained without derogation and injury to his Majesties Sacred Title, whom God long preserve.

A short Historical Collection touching the Succession of the CROWN.

WHether the History of the Succession of the Crown will allow so good and clear an Hereditary Right, *Jure Humano*, as we have yielded in the precedent Discourse, the Reader will best judge by the short Historical Collection touching the Succession hereto subjoyn'd.

In the Heptarchy there was no fixt Hereditary Right, one King tripping up the heels of another, as he had Power, till one got all.

Afterward no fixt Hereditary Right, for *Aethelfran* the Great King was a Bastard, and so were several others, who by their Courage and Policy got the Crown; so that a Law was made under the *Saxon* Monarchy, *De Ordinatione Regum*, that directed the Election of Kings, prohibiting Bastards to be Elected.

Edward the Confessor was not King *Jure Hereditario*.

William the First, called the Conquerour, had no Right, but from the Peoples Election.

William Rufus was Elected against the Right of his Elder Brother.

Henry the First came in by the same way.

King *Stephen* was Elected *a Clero & Populo*, and confirmed by the Pope. *Henry* the Second came in by Consent, yet he had no Hereditary Right, for his Mother was living.

Richard the First was charged before God and Man by the Archbishop upon his Coronation, that he should not presume to take the Crown, unless he resolv'd faithfully to observe the Laws.

King *John*, his Brother, because his Elder Brother's Son was a Foreigner, was Elected *a Clero & Populo*, and being divorced from his Wife, by his new Queen had *Henry* the Third.

Henry the Third was confirmed and settled in the Kingdom by the general Election of the People, and in his life-time the Nation was sworn to the Succession of *Edward* the First, before he went to the Holy Land.

Edward the First, being out of *England*, by the Consent of Lords and Commons was declared King.

Edward the Second, being mislead, and relying too much upon his Favourites, was deposed, and his Son was declared King in his life-time.

Richard the Second for his Evil Government, had the fate of the Second *Edward*.

Henry the Fourth came in by Election of the People, to whom succeeded *Henry* the Fifth, and *Henry* the Sixth, in whose time *Richard* Duke of *York* claimed the Crown, and an Act of Parliament was made, That *Henry* the Sixth should enjoy the Crown for his life, and the said Duke after him, after which King *Henry* raises an Army by Assistance of Queen and Prince, and at *Wakefeld* in Battel kills the Duke, for which in Parliament, 1 *Ed. 4th*. they were all by Act of Parliament attainted of Treason, and one principal Reason thereof was, for that the Duke being declar'd Heir to the Crown after *Henry*, by Act of Parliament, they had killed him.

Edward the Fourth enters the Stage, and leaves *Edward* the Fifth to succeed, to whom succeeds *Richard* the Third, confirm'd King by Act of Parliament,

liament, upon two Reasons: First, That by reason of a Pre-contract of *Edward* the Fourth, *Edward* the Fifth his Eldest Son, and all his other Children were Bastards. Secondly, For that the Son of the Duke of *Clarence*, Second Brother to *Edward* the Fourth had no Right, because the Duke was attainted of Treason by a Parliament of *Edward* the Fourth.

Henry the Seventh comes in, but had no Title: First, because *Edward* the Fourth's Daughter was then living. Secondly, his own Mother, the Countess of *Richmond*, was then living.

After him *Henry* the Eighth wore the Crown, who could have no Title by the Father. In his time the Succession of the Crown was limited three several times, and the whole Nation sworn to the Observance.

Sir *Thomas Moor* declared that the Parliament had a Power to bind the Succession, and would subscribe thereto.

Edward the Sixth succeeded, but his Mother was married to King *Henry*, while *Ann* of *Cleve* his Wife was living.

Queen *Mary* was declared a Bastard, and by virtue of an Act of Parliament of *Henry* the Eighth, she succeeded, which Act being repealed in the first of her Reigr, and the Crown being limited otherwise by Parliament, all the Limitations of the Crown in *Henry* the Eighth's Reign were avoided, so that

Queen *Elizabeth*, who was declared a Bastard by Act of Parliament in *Henry* the Eighth's time, and limited to succeed in another Act in his time, and that Act repealed by Queen *Mary*, became Queen in the force of her own Act of Parliament, which declares her Lawful Queen.

The Crown was entail'd in *Richard* the Second's time, again in the time of *Henry* the Fourth, again in the time of *Henry* the Sixth, again in the time of *Edward* the Fourth, again in the time of *Richard* the Third, again in the time of *Henry* the Seventh, thrice in the time of *Henry* the Eighth.

And upon the Marriage of Queen *Mary* to King *Philip* of *Spain*, both the Crowns of *England* and *Spain* were entail'd, whereby it was provided, that of the several Children to be begotten upon the Queen, one was to have the Crown of *England*, another *Spain*, another the *Low-Countries*, the Articles of Marriage to this purpose were confirmed by Act of Parliament, and the Pope's Bull.

So that it was agreed by the States of both Kingdoms, and the *Low-Countries*, and therefore probably the Universal Opinion of the great Men of that Age, That Kings and Sovereign Princes, with the Consent of their States had a Power to alter and bind the Succession of the Crown.

FINIS.

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